MINUTES OF THE PRIVATE PROTECTIVE SERVICES BOARD MEETING AUGUST 20, 2009 HOLIDAY INN RALEIGH NORTH 2805 HIGHWOODS BLVD. RALEIGH, NC 27604

BOARD MEMBER PRESENT

Richard Allen James Stevens
Ron Burris Mack Donaldson

David Pendry

David GrimesAbsent:Sheriff AsheBill BoothSteve JohnsonSally PleasantSheriff JenkinsBrenda BishopBerkley Blanks

STAFF PRESENT

Terry Wright – Director Anthony Bonapart – Deputy Director Larry Liggins – Field Services Supervisor Tim Pressley – Training Officer

Charles McDarris – Attorney Joyce McClure - Board Secretary Garcia Graham – Licensing Assistant

GUEST PRESENT

David Arndt Larry Flannery David Shelton Jeff Cathcart Sybil Richards Nick Nicholson Sam Ramsey James Davis Sandy Stanback Russ Thomas Paul Scholl Chris Ruhlman Steve Mitchell Haydon Church Steve Sowers Joe Bailer Jeff Kiker Darion Dehnel

Lorin Mueller J.S. Siske Ross Gilmore

Ruth Reynolds Bob Forsythe Ahmed Abdul-Khaliq

Steve Danforth Audra Coleman Monty Clark

Scott Siano Steven C. Miller

Chairman Allen called the August 20, 2009 Private Protective Services Board meeting to order at 9:15 AM. Mr. Allen welcomed all guests and requested they introduce themselves. Mr. Allen requested all phones and pagers be turned off during the meeting.

Attorney Charles McDarris explained the State Ethics Act which addresses the ethics of public officials. This Act states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

GOOD OF THE ORDER:

Mr. Larry Flannery, President of NCAPI advised the Board of the conference that the Association is currently planning for October in Greensboro at the Doubletree Hotel. The Conference is planned for October 22nd through October 24th.

Mr. Flannery also stated that the NCAPI has placed an order for the badges that were approved for private investigators. Mr. Flannery explained that there is to be no deviation from the approved badge; it must have the exact shape, color and wording as approved by the Sheriff's Association as well as the Police Chief's Association. Mr. McDarris advised that the rule for the badges has been filed with the Rules Review Commission.

APPROVAL OF THE JUNE 18, 2009 MEETING MINUTES:

MOTION BY MR. GRIMES TO ACCEPT THE MINUTES AS PRESENTED; SECONDED BY MR. BOOTH; MOTION CARRIED.

SCREENING COMMITTEE REPORT:

Mrs. Bishop reported that the Screening Committee met on Wednesday August 19, 2009 from 2:00 PM until 6:40 PM to review a total of 68 applications with 2 denials and 1 deferral, the remainder of the applications were approved (see report). Committee members were, Mrs. Bishop, Mr. Pendry, Mrs. Pleasant and Mr. Blanks. Mrs. Bishop read the report for the record.

Mrs. Bishop presented the following registration report for the period of June 17, 2009 through August 18, 2009. Total registrations 3,374; armed totals were 526 of which 191 were new, 319 were renewals and 16 reissue/dual. There were 3 new armed private investigators, 3 armed renewal Private Investigators and 1 new private investigator

associate. Unarmed totals were 2,841 which include 1,125 new, 1,650 renewals, 60 transfer, 4 duplicates and 2 reissues/dual. Total denials 553 of which 219 for cause and 334 for correctable. There were 480 applications approved which were previously denied for a total of 1,033 denials reviewed.

The Screening Committee received an inquiry from the Charlotte Mecklenburg Police Department regarding outsourcing of crossing guards to a contract security guard and patrol company. The Committee determined that if the outsourcing of the crossing guards is to a contract security guard and patrol company, then the guards must be registered with Private Protective Services Board.

MOTION BY MR. STEVENS TO ACCEPT THE SCREENING REPORT AND REGISTRATION REPORT; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Mr. Grimes reported the committee met on Wednesday August 19, 2009 from 8:00 AM until 11:00 AM. to hear a total of nine cases. The committee members were Mr. Grimes, Mr. Stevens, Mr. Booth, Sheriff Jenkins and Mr. Donaldson. Mr. Grimes presented the attached report. (See attachment)

Mr. Booth recused himself on case 2009-PPS-017.

Mr. McDarris filed an Injunction in Superior Court regarding complaint 2009-PPS-007 which was against Antonio Stevenson of Whole 9 Security, Inc. Mr. McDarris presented this to the Board so that the Board could determine whether to support the Motion for the Injunction.

MOTION BY MR. STEVENS TO ACCEPT THE GRIEVANCE COMMITTEE REPORT; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

MOTION BY MR. STEVENS TO SUPPORT THE FILING OF THE INJUNCTION; SECONDED BY MRS. BISHOP; MOTION CARRIED.

FINAL AGENCY DECISIONS - HELD FOR ATTORNEY'S REPORT

TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised the Training & Education Committee met on Thursday August 20, 2009 from 8:10 AM. until 9:05 AM. The committee members were Mr. Stevens, Mr. Booth, Mr. Grimes, Mrs. Pleasant and Mr. Allen.

Mr. Pressley gave his report. The following trainer courses are scheduled: August 17-21, 2009, General Trainer Course, Wake Tech Community College (WTCC)

September 21-25, 2009, Firearms Trainer Course, North Carolina Justice Academy (NCJA)

The following PPS trainer courses have been completed: May 4-8, 2009, General Trainer Course, WTCC May 11, 2009, Firearms Trainer re-certification course, NCJA

Mr. Stevens reported that there was a discussion of the Armored Car Training Manual. He stated that Chris Ruhlman gave an overview of the proposed course manual that has been put together, he also noted that the manual be put on hold until such a time that the industry comes to a common ground on the composition of the manual.

Mr. Stevens reviewed the following issues; (1) As of October 1, 2009 the Private Protective Services Board will no longer regulate mace or OC spray.

- (2) The fourth edition of the PPS Firearms manual will be published soon and will be implemented for the September Firearms Trainer Course.
- (3) 12NCAC07D .0707 concerning interactive training of the unarmed security officer course is in effect. This does require notification to Private Protective Services, five days prior to the course being held if the company is doing interactive training. The rule also requires said company to allow PPS access, via computer, to the training.

MOTION BY MR. BOOTH TO ACCEPT THE TRAINING AND EDUCATION COMMITTEE REPORT; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT - NONE

SCREENING COMMITTEE REPORT – NONE

OUT OF STATE CRIMINAL RECORD CHECKS

Mr. Donaldson stated that the Committee meeting has been rescheduled and that the committee will report back at the October Board meeting.

74C RE-WRITE COMMITTEE:

Judge Burris stated that the Senate Bill 584 that passed the legislature becomes effective October 1, 2009.

The one provision that was omitted, 74C 8 (c) (3), currently states that upon the loss of the Qualifying Agent, the industry has 90 days to obtain another Qualifying Agent. The amendment to this section would have extended the time to 180 days.

Section 17 – The Joint Legislative Committee on Governmental Operations refers to the regulation of Digital Forensics. This has kept the issue alive so that it can be addressed at a later time.

Chairman Allen expressed gratitude to Judge Burris, Mr. McDarris and to the industry for all of their assistance in supporting the rewrite legislation. Mr. McDarris suggested

drafting a letter of appreciation to Senator Snow, Senator Purcell and Representative Gibson for their aid in sponsoring and monitoring the bill through the legislative process. Director Wright stated that as of October 1, 2009 the fingerprint card and fee will be eliminated for renewal applications.

FINANCE COMMITTEE: NONE

OLD BUSINESS - NONE

NEW BUSINESS: -

Mr. Allen stated there are two new Appointees to the Private Protective Services Board. The two new members are Mr. Robert M. Clark and Mr. Eric Jones. Chairman Allen also stated that Mr. Booth, Mrs. Pleasant, Mr. Donaldson and Sheriff Jenkins had been reappointed to the Board.

Nominations were taken for Board Chairman. Mr. Pendry nominated Mr. Allen; seconded by Mrs. Pleasant.

Mr. Allen was elected Chairman of the Board by affirmation.

Nominations were taken for Vice Chairman. Mrs. Pleasant nominated James Stevens; seconded by Mr. Donaldson.

MOTION BY MR. PENDRY TO CLOSE THE NOMINATIONS; SECONDED BY JUDGE BURRIS.

Mr. Stevens was elected Vice Chairman by affirmation.

Nominations were taken for the Screening Committee. Mr. Pendry nominated Mrs. Bishop; seconded by Mrs. Pleasant.

MOTION BY MR. ALLEN TO CLOSE THE NOMINATIONS; SECONDED BY MR. DONALDSON.

Mrs. Bishop was elected Chairman of the Screening Committee by affirmation.

Nominations were taken for the Grievance Committee. Mr. Stevens nominated Judge Burris; seconded by Mr. Donaldson.

MOTION BY MR. ALLEN TO CLOSE THE NOMINATIONS; SECONDED BY MR. DONALDSON.

Judge Burris was elected Chairman of the Grievance Committee by affirmation.

Nominations were taken for the Finance Committee. Mr. Pendry nominated Mrs. Pleasant; seconded by Mr. Allen.

MOTION BY MR. ALLEN TO CLOSE THE NOMINATIONS; SECONDED BY JUDGE BURRIS.

Mrs. Pleasant was elected Chairman of the Finance Committee by affirmation.

Nominations were taken for the Training and Education Committee. Mr. Donaldson nominated Mr. Stevens; seconded by Mr. Booth.

MOTION BY MR. ALLEN TO CLOSE THE NOMINATIONS; SECONDED BY JUDGE BURRIS.

Mr. Stevens was elected Chairman of the Training and Education Committee by affirmation.

Nominations were taken for the Legislative Committee. Mr. Pendry nominated Judge Burris; seconded by Mr. Allen.

MOTION BY MR. ALLEN TO CLOSE THE NOMINATIONS; SECONDED BY MR. DONALDSON.

Judge Burris was elected Chairman of the Legislative Committee by affirmation.

Chairman Allen congratulated the re-appointees to the Board, Mr. Booth, Mrs. Pleasant, Mr. Donaldson and Sheriff Jenkins.

DIRECTOR'S REPORT:

Mr. Wright presented his written report. The budget as of June 30, 2009 has \$314,655.78 in the operations balance, \$58,395.69 in the Recovery Fund balance and \$40,567.00 in the Education fund balance. As of August 17, 2009 we have a total of 13,221 PPS registrants 1,737 licenses, and 599 certifications.

Mr. Wright noted that there has been a total of 2,094 various correspondence printed from the PPS database, 2,334 registration cards printed from the new identification system, and PPS has received a total of 4,509 applications since the last Board meeting.

Mr. Wright stated that a memo had been sent out to PPS licensees regarding a survey for payment of fees by way of an on-line credit card process. The survey has been posted on the website as well.

Chairman Allen requested that Mr. Wright report on the streamlining of the registration process, which would be a single Security Guard registration card with endorsements. Mr. Wright stated that staff is currently working on the process and he would report back at the October meeting regarding the status.

MOTION TO ACCEPT THE DIRECTOR'S REPORT BY MR. BOOTH; SECONDED BY MR. STEVENS; MOTION CARRIED.

ATTORNEY'S REPORT:

Mr. McDarris reported that all Consents are current with the exception of the AlliedBarton Consent. Mr. McDaris stated that Allied-Barton's attorney submitted changes to the Consent. Mr. McDarris recommended not accepting the changes.

MOTION BY JUDGE BURRIS NOT TO ACCEPT THE CHANGES; SECONDED BY MR. BOOTH; MOTION CARRIED.

The attached Hearing List is current. (See attached report.)

Rules 12NCAC 7D .0109, .1300, .0807, and .0904 have all been filed with Rules Review Commission.

Rules 12NCAC 7D .0202, .0402, .0501, .0707, .0807 have all been approved. Rules 12NCAC 7D .0201-.0902 have technical amendments that are holding on the final outcome of the Third Party CRC Committee recommendations. Mr.McDarris stated that the Alarm Board has requested a joint committee to work with the PPSB on the Third Party CRC. The Alarm Board assigned Mr.Donaldson to represent the ASLB on this issue.

Miscellaneous

Rule 12NCAC 7D .0404 Mr. Booth worked with Mr. McDarris to change the rule to reflect how a private investigator is to maintain copies of the reports.

MOTION BY MR. BOOTH TO FILE FOR PUBLICATION; SECONDED BY JUDGE BURRIS; MOTION CARRIED.

Mr. McDarris presented a resolution to transfer funds from the Recovery Fund in the amount of \$8,395.00 to the Education Fund.

MOTION BY MR. STEVENS TO APPROVE THE CHAIRMAN TO SIGN THE TRANSFER; SECONDED BY JUDGE BURRIS; MOTION CARRIED.

Mr. McDarris removed himself as counsel to present the following Final Agency Decisions. All parties have been properly noticed of this meeting.

Case number 08 DOJ 2562 Christopher Scott Hedrick vs PPS Board. Mr. Hedrick was not present. This case was heard by Administrative Law Judge, Fred Morrison Jr.on March 24, 2009. The case was based on the denial of the application for an unarmed guard registration permit. The registration permit was denied as a result of the applicant being convicted of impersonating a law enforcement officer. The proposal of the Administrative Law Judge was to uphold its initial decision to deny the application for an unarmed guard registration.

MOTION BY MR. PENDRY TO UPHOLD THE INITIAL DECISION TO DENY THE UNARMED GUARD REGISTRATION PERMIT; SECONDED BY MR. BOOTH; MOTION CARRIED.

Case number 09 DOJ 2506 William Marquis Davis vs PPS Board. Mr. Davis was not present. This case was heard by Administrative Law Judge, Fred G. Morrison Jr. on April 28, 2009. The case was based on the denial of an unarmed guard registration permit for an unfavorable criminal history. The proposal of the Administrative Law Judge was to reverse the initial decision to deny the application.

MOTION BY MR. BOOTH TO UPHOLD THE INITIAL DECISION TO DENY THE UNARMED GUARD REGISTRATION PERMIT; SECONDED BY MR. PENDRY; MOTION CARRIED.

Mr. McDarris requested that the Board hear the final agency decision for Shonda Higgins but noted that OAH has not yet issued the official record. Mr. McDarris stated that both parties can waive the requirement for receipt of the record in order to hear the matter today. Ms. Higgins waived objections on the records.

MOTION BY MR. PENDRY TO HEAR THE SHONDA HIGGINS CASE; SECONDED BY MR. BOOTH; MOTION CARRIED.

Case number 09 CHA 0977 Shonda Higgins vs PPS Board. Ms. Higgins was present. This case was heard by Administrative Law Judge, Donald Overby on June 23, 2009. The case was based on the denial of an unarmed guard registration permit. Ms. Higgins waived the right to counsel and the right to object to not having the Official Record. The Administrative Law Judge recommended that the Board reverse the initial decision to deny the application.

MOTION BY MR. GRIMES TO GRANT THE REGISTRATION; SECONDED BY MRS. BISHOP; MOTION CARRIED.

Mr. McDarris returned as Counsel.

MOTION BY MR. GRIMES TO ACCEPT THE ATTORNEY'S REPORT; SECONDED BY JUDGE BURRIS; MOTION CARRIED.

Mr. Stevens stated for the record that the past year with Mr. Allen as Chairman has been very cordial and productive. Mr. Booth seconded that statement.

Chairman Allen invited Mr. Grimes and Mr. Blanks to the next Board meeting for a presentation for their services for the last six years.

MOTION BY MR. BOOTH TO ADJOURN; SECONDED BY JUDGE BURRIS;

MOTION CARRIED.

11:00 AM Adjourned	
	Terry M. Wright, Director
	Joyce McClure, Board Secretary

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